

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,  
STATE OF MINNESOTA,  
STATE OF CALIFORNIA,  
STATE OF NORTH CAROLINA,  
STATE OF TENNESSEE,  
STATE OF TEXAS, and  
STATE OF UTAH,

*Plaintiffs,*

v.

AGRI STATS, INC.,

*Defendant.*

No. 0:23-CV-03009-JRT-JFD

**PLAINTIFFS' UNOPPOSED MOTION TO COMPEL  
DEFENDANT AGRI STATS, INC. TO PRODUCE  
MATERIALS FROM PORK LITIGATIONS**

Plaintiffs seek an order from the Court compelling Defendant Agri Stats, Inc. (“Agri Stats”) to produce materials from the *Pork* litigation.<sup>1</sup> The United States previously filed a consent motion to compel production of other *Pork* filings at *Pork* ECF Nos. 2938, 2963, 2966, 2967, 2968, which this Court granted on May 9, 2025. *See* ECF Nos. 347, 350. Following the Court’s Order granting Plaintiff’s previous motion to compel, the litigants in *Pork* filed new documents regarding Agri Stats’ Motion to Recuse in that case at *Pork*, ECF Nos. 3040, 3041, 3042, 3043, 3044, and 3045. Plaintiffs thus seek an order from this Court, unopposed by Agri Stats, compelling Agri Stats to produce the documents at *Pork*,

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<sup>1</sup> *In re Pork Antitrust Litigation*, No. 18-cv-1776-JRT-JFD (D. Minn.) (“*Pork*”).

ECF Nos. 3040-3045 immediately, as well as compelling continuing production of any new *Pork* filings related to Agri Stats' Motion to Recuse in *Pork*.

In its Memorandum of Law in Support of Defendant Agri Stats' Motion to Recuse in this matter, Agri Stats cited "reasons similar to those raised in the motion to recuse filed in [*Pork*]." *See* ECF No. 339 at 1. Plaintiffs requested the sealed *Pork* documents from Agri Stats via email on May 19, 2025, and Agri Stats does not oppose the relief sought in this Motion. Wang Decl. Ex. 1 (May 22, 2025 Email) at 1-3. However, the protective order in *Pork* requires a Court order before Confidential and Highly Confidential materials from those litigations can be produced. *See Pork*, ECF No. 1155, ¶¶ 6(b)(10) and 6(b)(9).

## **ARGUMENT**

### **I. The requested *Pork* materials are relevant to this litigation.**

A party moving to compel production must make a threshold showing of relevance before production is required. *Patterson Dental Supply, Inc. v. Pace*, 2020 WL 13032906, at \*2 (D. Minn. April 2, 2020); Fed. R. Civ. P. 26(b)(1). Here, Plaintiffs seek production of materials which are directly relevant to this case because they provide information regarding Agri Stats' Motion to Recuse in *Pork*, which is based on the same arguments as Agri Stats' Motion to Recuse in this case. *See* ECF No. 339 at 1; *see also Pork*, ECF. No. 2961.

### **II. The requested *Pork* materials are proportional to the needs of this case, and within Agri Stats' possession.**

In addition to relevance, a party seeking to compel production must demonstrate that the material sought is "proportional to the needs of the case." *United States ex rel.*

*Fesenmaier v. Cameron-Ehlen Grp., Inc.*, 2021 WL 101193, at \*25 (D. Minn. Jan. 12, 2021) (quoting Fed. R. Civ. P. 26(b)(1)). The *Pork* materials sought in this motion consist of only six docket entries, which contain information related to the same reasoning supporting Agri Stats' May 2, 2025 Memorandum of Law in this case. Plaintiffs would be prejudiced by the lack of access to those same materials in responding to Agri Stats' Motion to Recuse in this litigation, because the underlying facts are not otherwise available to Plaintiffs as a non-party in *Pork*. Plaintiffs additionally seek continuing production of future *Pork* filings related to Agri Stats' Motion to Recuse in that matter, *Pork*, ECF No. 2961. Agri Stats possesses the requested *Pork* materials and does not oppose this motion. *See* Wang Decl. Ex. 1 (May 22, 2025 Email) at 1-3.

### CONCLUSION

Accordingly, Plaintiffs respectfully request that the Court compel Agri Stats to produce all materials responsive to this motion immediately upon entry of the Court's Order, as well as to produce any future responsive materials from the *Pork* litigation relevant to the recusal motion in this case within two days of Agri Stats' receipt of such materials.

Dated: May 22, 2025

Respectfully,

**FOR PLAINTIFF UNITED STATES OF AMERICA:**

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28 U.S.C. § 515

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